



East Timor Human Rights Centre

Human Rights Deteriorate in East Timor



**Bi-Annual Report of Human Rights Violations
in East Timor, January to July 1997**

30 August 1997 Ref: SR2/97

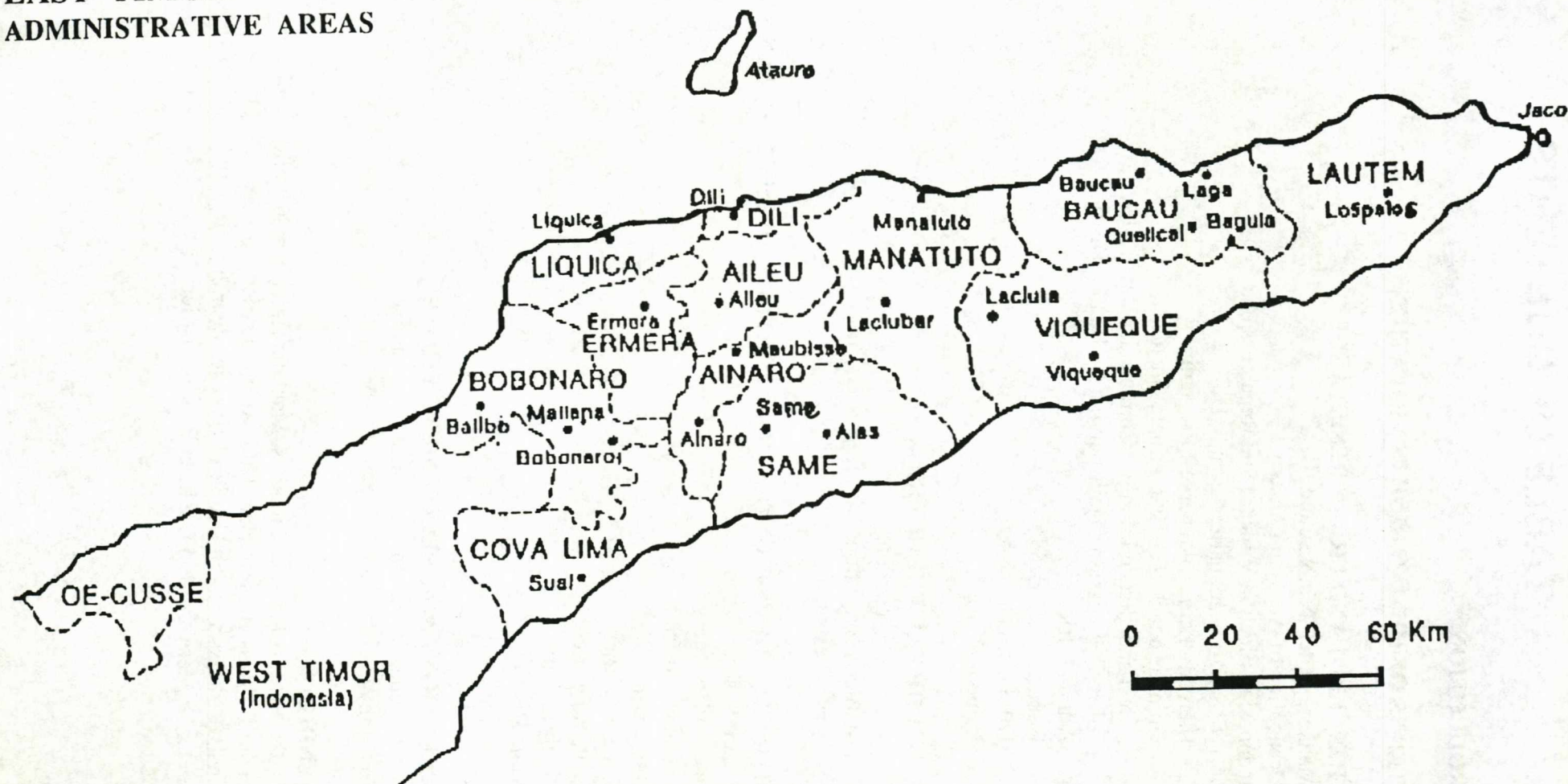
East Timor Human Rights Centre Inc.

124 Napier Street, Fitzroy 3065. PO Box 1413, Collingwood 3066, Australia.
Telephone: +61 3 9415 8225 Fax: +61 3 9416 2746 E-mail: etchrmel@peg.apc.org
Chair: Bishop Hilton Deakin Director: Ms Maria Brett

TABLE OF CONTENTS

A. INTRODUCTION	1
B. PATTERNS OF HUMAN RIGHTS VIOLATIONS	2
1. NATIONALISM AND URBAN RESISTANCE	2
a) Mahkota Hotel Demonstration	2
b) Occupation of Austrian Embassy	3
c) Indonesian Election Violence and Repercussions	4
BRIMOB headquarters assault, Dili	5
Mercado Lama (old market) fire, Dili	6
Grenade attack on military truck, Quelicai	7
Arrest and alleged killing of Commander David Alex	8
Other repercussions against civilians: Baucau District	9
Aileu District	10
Bobonaro District	11
Dili District	11
Lautem District	12
2. EXTRA-JUDICIAL EXECUTIONS	12
a) Extra-judicial Executions	13
b) Extra-judicial Executions with Repercussions	16
c) Arbitrary Arrests Following Killings	17
3. ARBITRARY ARREST, DETENTION, TORTURE, DISAPPEARANCES	18
a) Ainaro District	18
b) Baucau District	18
c) Bobonaro District	21
d) Dili District	21
e) Ermera District	22
f) Lautem District	24
g) Liquica District	24
h) Same District	25
i) Viqueque District	25
C. CONCLUSIONS AND RECOMMENDATIONS	28
1. Recommendations to the Indonesian Government	28
2. Recommendations To UN Member States	29
D. APPENDICES	31
Appendix A: Mass arrest and injuries, Mahkota Hotel demonstration, Dili	31
Appendix B: Mass arrest in Hato-Udo, Ainaro district	32
Appendix C: Mass arrest in Uatolari, Viqueque district	33
Appendix D: Mass arrest in Quelicai, Baucau district	34

EAST TIMOR
ADMINISTRATIVE AREAS



A. INTRODUCTION

The first half of 1997 has been a year of considerable progress for East Timor in the international arena. In April, a majority of members of the UN Commission on Human Rights voted in support of a strong resolution on East Timor, criticising the Indonesian government for its lack of progress on human rights in East Timor and calling for concrete steps to be taken to address the continuing violations. However, the support and concern at the international level has not resulted in any improvement in the long-standing problem of human rights violations in the territory. In fact, the first half of 1997 has seen a marked deterioration in the human rights situation in East Timor. In late 1996, following the awarding of the Nobel Peace Prize to two East Timorese, Bishop Carlos Ximenes Belo and Jose Ramos-Horta, violations against East Timorese civilians increased sharply and continued to rise in early 1997. More recently, following the Indonesian election on 29 May, there has been a further escalation of violations. The international community has responded by showing renewed support and concern for the East Timorese people.

1997 has been characterised by grinding guerrilla warfare and a continuation of the strong movement of urban resistance and East Timorese nationalism which is directed against what the East Timorese perceive as Indonesian colonialism. During the election period, there was a notable increase in the activities of the armed East Timorese guerrillas (Falintil) who launched a number of bold attacks on Indonesian military and police targets. There were repercussions for the civilian population when the Indonesian military responded by launching an intensive military operation throughout East Timor. According to ETHRC sources, the operation is called "*Operasi Gerakan Tuntas*" (Operation Extermination) and is targeted at East Timorese people who are allegedly involved in the Clandestine Front or the armed East Timorese Resistance. The crackdown has so far resulted in hundreds of arbitrary arrests, and at least forty people being killed.

On 25 June, the Indonesian military captured Commander David Alex, second in command of the armed East Timorese Resistance (Falintil), accusing him of being the mastermind behind Falintil attacks in the Baucau district. Indonesian authorities announced that Alex had died of injuries sustained in an armed conflict between the guerrillas and the military at the time of his arrest. However, the ETHRC has not been able to confirm conclusively whether Alex was in fact killed as reported by the Indonesian authorities, as the circumstances surrounding his alleged death and prompt burial at a Dili cemetery are still unclear.

This report provides details of human rights violations in East Timor between January and July 1997, concluding that this period has seen a marked increase in violations, particularly extra-judicial executions, arbitrary arrests and detention, and systematic torture and ill-treatment of prisoners. It is believed at least 707 East Timorese people were arrested and 49 killed.¹ The violations highlight the need for Indonesia to immediately implement the recommendations made by the Commission on Human Rights in its 1997 resolution, and the urgent need for a permanent UN presence in East Timor. In addition, human rights organisations, including the East Timor Human Rights Centre should be given access to East Timor, as should foreign journalists whose access to East Timor was discontinued following the post-election violence.

¹ These figures are more than double the arrests and extra-judicial executions reported by the ETHRC in the whole of 1996.

B. PATTERNS OF VIOLATIONS

1. NATIONALISM AND URBAN RESISTANCE

While there has been a marked increase in the activity of the armed East Timorese Resistance (Falintil), the urban Resistance has continued to be the focus of pro-independence activity. In the first half of 1997, East Timorese youths made a strong display of East Timorese nationalism by participating in peaceful demonstrations, often at great personal risk to themselves. The Indonesian election was the focus of widespread opposition to Indonesian rule in East Timor and serious repercussions followed for the civilian population. There were reports of a "manhunt" being undertaken by the Indonesian military with the launch of "*Operasi Gerakan Tuntas*" (Operation Extermination). The violations were particularly noticeable in certain geographic areas of East Timor, notably the districts of Dili, Baucau and Viqueque.

a) Mahkota Hotel Demonstration

On 23 March, about 250 East Timorese youths participated in a peaceful demonstration during the visit to Dili of Mr Jamsheed Marker, Special Representative of the UN Secretary-General. At approximately 6.00am, the youths marched from the Motael Church to the Hotel Mahkota where Mr Marker was staying. The march was observed by Indonesian security forces but was undisturbed until some of the youths entered the hotel where they were met by a representative of Mr Marker and handed him a petition protesting the Indonesian occupation of East Timor. It is believed that immediately after the representative returned to his room, soldiers from Battalion 744 and members of the Indonesian police blocked all exits and began indiscriminately firing at the youths and beating them with bayonets and rifle butts, forcing them to disperse. Some of the youths broke hotel windows in order to escape and many had to seek refuge at the Motael Church and at a nearby convent.

According to reports received by the ETHRC, at least fifty-one East Timorese people were injured during the demonstration, twenty-one of whom sustained gunshot wounds while another thirty sustained injuries from bayonets and broken glass. Eleven of the seriously injured were taken to Wirahusada hospital in Lahane, Dili, and three of them, **Joao Manuel Santos** from Fatuahi, **Jose Barbosa** from Bidau Mota Klaran and **Serafim da Silva** from Becora, were then transferred to Becora prison where they were detained.

A further thirty-three East Timorese youths, including two women, were detained at Becora prison and have since been charged and are awaiting trial for their alleged involvement in the demonstration.² It has been alleged that two female detainees, **Celina da Costa**, 20 and **Olga Quintao Amaral**, 19, had their clothes torn and were severely beaten and raped by members of the Indonesian military.

Sixteen of the thirty-three detainees have been charged under the Criminal Code of Indonesia (KUHP) with causing serious bodily harm to others (Article 354) and aiding in a crime under

² See appendix A for names of those charged

(Article 56) and could face a jail term of up to eight years. Fourteen have been charged under the Articles 154, 155, 216 and 55.1 with publicly showing hatred towards the Government of Indonesia and disobeying a command by the authorities and could face a prison term of up to seven years if convicted. The remaining three are facing charges of publicly demonstrating hatred against the Indonesian government under Articles 154 and 55.1. The ETHRC is concerned that they may have been detained solely for the peaceful expression of their views.

The Dili District Court commenced trials for fourteen of the detainees on 30 July.³ According to Antara, the Indonesian news agency, the prosecution accused the fourteen of publicly advocating separatism. The prosecution said the defendants had carried and displayed banners calling for East Timor's independence and also shouted separatist slogans. No further information is available about the trials.⁴

The ETHRC has received reports with the names of another twenty East Timorese youths who were also arrested and detained at Becora Prison following the Mahkota hotel demonstration. No further information is available but it is assumed they were released after being detained short-term.⁵ The ETHRC believes they were detained solely for the peaceful expression of their views.

There are conflicting reports about the number of people killed during the demonstration with some media reports claiming two were shot dead, while one report sent to the ETHRC claimed that seven were killed. To date, the ETHRC has only confirmed the killing of one East Timorese youth, **Marcal**, from Keututu/Becora, who was stabbed to death. It is believed Indonesian authorities are responsible for his death. Lt Colonel Atok Rismanto, (then the deputy Chief of Police for East Timor) denied there were any fatalities, saying: "No-one was killed. We will say if there is a death....because no matter how clever we are in telling lies, people will later find out the truth."⁶

b) Occupation of Austrian Embassy

On 24 March, thirty-three East Timorese students staged a demonstration in support of East Timor's right of self-determination when they broke into the Austrian Embassy in Jakarta. The youths did not ask for political asylum but presented a statement demanding a meeting with the United Nations envoy, Mr Jamsheed Marker, following his visit to East Timor. Three representatives of the students met with Mr Marker the following evening, presenting him with a petition which condemned the Indonesian government and armed forces for the continued violations against the people of East Timor, including the arbitrary violence perpetrated against the demonstrators at the Mahkota Hotel on 23 March. They also demanded the unconditional release of all East Timorese political prisoners.⁷

³ AFP, 31 July 1997

⁴ Antara, quoted in report by AFP, 31 July 1997

⁵ See Appendix A for names

⁶ The Australian, 26 March 1997

⁷ Petition dated 25 March 1997

It is believed the thirty-three students left the Embassy voluntarily after the Indonesian Department of Foreign Affairs said that none of the students would be mistreated.⁸ They left the Embassy at 5am on 27 March and were immediately taken by police bus to the POLDA Metro Jaya police station in South Jakarta, where it is believed they were subjected to lengthy interrogation. An ETHRC source reported that the youths were released within 24 hours. In response to the Austrian Embassy protest, there was a pro-integration demonstration staged on 26 March at the Austrian Embassy by about forty youths who said they were East Timorese students in favour of integration with Indonesia.⁹

In 1996, up to 102 East Timorese people sought asylum in embassies in Jakarta, with 56 of them eventually leaving for Portugal.¹⁰ To date, 1997 has not seen a repeat of this high level of East Timorese entering embassies. However, on 27 June, four East Timorese youths entered the Bulgarian Embassy and in the process allegedly brushed aside two policemen who tried to restrain them. They were handed over to police two hours later and eventually sentenced by the Indonesian Court to fifteen days imprisonment. They were found guilty of using violence against law officers.

c) Indonesian Election Violence and Repercussions

The 29 May Indonesian election was accompanied by a wave of violence in East Timor. A series of armed attacks by Falintil on Indonesian military and police targets in Dili, Baucau and Lospalos, resulted in over forty people being killed, including members of Falintil, members of the Indonesian police and armed forces, and East Timorese civilians. The military operation launched in response, was targeted at East Timorese people allegedly involved in the Clandestine Front or the armed Resistance. Since the election, it is believed at least 200 people across the territory have been arrested, most of them arbitrarily, with most arrests taking place in the capital, Dili, and in the Baucau district.

The ETHRC does not condone the unwarranted use of force and condemns any acts of violence by either the Indonesian military or East Timorese guerrillas, which target civilians, as being human rights violations under international law. However, the ETHRC believes the intensive retaliation by Indonesian security forces since the election has not been restricted to those directly responsible for criminal offences but has targeted innocent East Timorese people who have done nothing more than peacefully express their views.

After the election, a curfew was imposed in Dili, prohibiting local residents from being outside their homes after 6.00pm. Ex-prisoners, in particular, were under constant surveillance by the military. In Baucau the streets were deserted at night, except for the military trucks passing through the town. A media report in June described the tense atmosphere:

The military trucks that pass through the town now only travel in threes. The soldiers, now wearing flak jackets, train their M16's and heavy machine guns on the

⁸ Publico, 26 March 1997

⁹ Radio Australia, 26 March 1997

¹⁰ East Timor Human Rights Centre, "Continuing Human Rights Violations in East Timor", Annual Report of Human Rights Violations on East Timor in 1996.

few people who are on the streets. Some Timorese defiantly wear black ribbons in memory of the recent dead. Almost all the businesses are closed and the main marketplace is deserted. By 7pm the streets are empty except for the occasional military convoy moving slowly through the town. According to one young resident, "It is at night they come to kill us – we try to stay in different houses so they don't find us" ¹¹

Since the election, the situation in East Timor has remained tense. According to East Timorese sources, an additional fifteen battalions of the Indonesian army were stationed in East Timor in June. Foreign journalists have been barred from entering East Timor and human rights organisations continue to be denied access. The ETHRC believes the risk of torture and ill treatment of East Timorese detainees is heightened by these restrictions on access to East Timor.

BRIMOB Headquarters assault, Dili

At about 8.30pm on the night before the election, a group of East Timorese men launched an assault on the BRIMOB (Mobile Police Brigade) station in Bairo Pite, a suburb of Dili. It is believed approximately fourteen youths drove up in a red Kijang vehicle to a guard post of company A of BRIMOB. They said they were voters, then allegedly opened fire.¹² The ETHRC has not been able to obtain confirmation of the number of people killed and injured in the attack as reports vary. CNRM (Council of National Maubere Resistance) claimed that four guerrillas were killed, another two guerrillas were injured, and five East Timorese youths were also killed.¹³ These figures have been confirmed by ETHRC sources. The Indonesian version of the assault was quite different: "five of the armed gang members were killed, two surrendered while five men on the government's side were injured."¹⁴ HRW Asia reported that the driver of the vehicle, **Adelio de Fatima**, was arrested during the assault and detained at POLDA (the local police station) in Comoro, Dili.¹⁵

On 31 May, **David Dias Ximenes** was arrested at his home in Cacauidun, by members of INTEL (Indonesian Intelligence) and BRIMOB.¹⁶ At the time of the arrest, INTEL and BRIMOB are believed to have ransacked Ximenes' home, taking away some of his personal belongings. It is believed Ximenes has been accused of being the mastermind behind the 28 May assault on BRIMOB and also of being involved in organising criminal activities against the Indonesian government on 30 May. He has been charged with crimes against national security under Articles 106 and 214 of the Indonesian Criminal Code (KUHP) and if convicted, could be sentenced to a prison term of twenty years to life. David Dias Ximenes' wife, **Beatriz Ximenes**, was picked up by police on 3 June at 11.30am. She was told she was being taken to see her husband's lawyer but she was in fact taken to POLDA in Comoro, where it is believed she was interrogated. She was released at around midnight that day and continues to be subjected to ongoing intimidation.

¹¹ Sydney Morning Herald, 14 June 1997

¹² HRW Asia report, 4 June 1997

¹³ Report from the Council of the National Maubere Resistance and the Executive Committee of the Armed Resistance, 3 June 1997

¹⁴ ANTARA, 1 June 1997

¹⁵ HRW Asia report, Ibid

¹⁶ ETHRC Urgent Actions 12/97 and 12/97PR

According to Amnesty International, another five East Timorese people were arrested on 31 May in relation to the BRIMOB police station attack. The detainees are **Joao Angelo, Francisco Magno, Jose Acacio**, Jose Acacio's wife (who is unidentified) and another unidentified East Timorese man.¹⁷ It is believed they were also held at POLDA in Comoro. According to the Amnesty report, another three unidentified East Timorese men were arrested on 28 May and two of them were believed to have sustained injuries.

Colonel Yusuf Mucharam (then East Timor Chief of Police) said the number of detainees was even higher, with 22 people being detained in connection with the attack on the BRIMOB police station, including thirteen "rebels" and nine independence supporters.¹⁸

On 13 June, **Martias Marcal Soares** and **Eusebio dos Santos Marques** were arrested in Dili by members of the Indonesian military, for their alleged involvement in the BRIMOB assault. Both men were detained at POLDA in Comoro. Two days earlier, **Aleixo Armando da Costa, Eurico Soares**, and **Elizario Soares** had been arrested by members of BRIMOB at the home of Matias Marcal Soares in Santa Cruz, Dili,¹⁹ and it believed they were also arrested in relation to the BRIMOB assault. It is not known where the three men were taken after their arrest or if they are still in detention. ETHRC sources have confirmed that Matias Marcal Soares is still detained at POLDA in Dili where he is awaiting trial and that he has been subjected to torture and ill-treatment and denied access to his family.²⁰

ETHRC sources confirmed that **Frederico Soares, Rainaldo Marsal, Mariano da Costa Sarmiento, Francisco da Conceicao** and **Joao da Cunha** were also detained at POLDA for their alleged involvement in the BRIMOB assault.²¹ Another nine East Timorese, **Jose Mali Amaral, Jeremias da Costa, Francisco do Carmo, Filomeno da Costa Riberu, Joao Verdial Ramos, Horacio da Costa, Jose Tilman Akasio, Eugenio Pasilio da Costa R** and **Agusto Carvalho** were also detained at POLDA for the BRIMOB assault and also for allegedly planning to set fire to a polling booth in Cacauidun in Dili.

Mercado Lama (old market) fire, Dili

On 7 June a fire at the Mercado Lama (Old Market) in Dili is believed to have caused extensive damage and resulted in the arrest at least nine East Timorese. Antara, the Indonesian news service reported that the (former) Chief of Police in Dili, Yusuf Mucharam, confirmed that following the fire, "*nine suspects [were] detained at the local headquarters while twenty others [were] given the status of outside detainees.*"²² There were conflicting reports about the damage caused by the fire. Antara originally said that at least thirty kiosks at the market were destroyed,²³ while other reports said that around half of the market's 320 stalls were destroyed in a fire which

¹⁷ Amnesty International, AI Index ASA 21/38/97, 2 June 1997

¹⁸ Reuter, 2 June 1997

¹⁹ Confidential source

²⁰ ETHRC Urgent Action UA 15/97

²¹ Confidential source

²² Antara, 13 June 1997

²³ Antara, quoted in Reuter report, 12 June 1997

lasted for more than two hours.²⁴ The reason for the fire is not clear. Authorities said it was the work of East Timorese guerrillas but members of the East Timorese Resistance in Dili have denied involvement in the fire.

The ETHRC confirmed that **Adelino Pinto, Franselino Manuel Maria F, Estanislau Fragnito** and **Belarmino Freitas** were detained at POLDA in Comoro in relation to the burning of the Mercado Lama. It is not known if they are still in detention.²⁵

Grenade attack on military truck, Quelicai

On 31 May, sixteen policemen and one soldier were killed in Quelicai, in the district of Baucau, after East Timorese guerrillas threw a grenade into an Indonesian army truck carrying twenty-six policemen and two soldiers and travelling along the road near Quelicai. Thirteen Indonesians on board the truck were burnt to death and four others were shot dead while trying to escape. Six policemen and one soldier sustained serious injuries.

In response to the 31 May grenade attack, an intensive operation was launched in the Quelicai sub-district by Battalion 312 and "Team SAKA", a team of East Timorese people recruited into the Indonesian military. The ETHRC has reported the names of 100 East Timorese civilians arrested between 5 and 16 June as part of the operation²⁶ and the fate of most of the detainees is still not known. It is believed members of the military intimidated and arrested the 100 people in order to obtain information about members of Falintil operating in the area.²⁷ A number of the detainees are believed to have been subjected to lengthy interrogation and torture. Some of the detainees were also subjected to ill-treatment as they were forced to remove their clothes and had the names of Falintil members written all over their bodies. They were forced to remain unclothed all night.

At the time of their arrest, there were conflicting reports about the place of detention of most of detainees but it is believed they were detained at either at KODIM (District Military Command) headquarters in Baucau or at KORAMIL (Sub-district Military Command) headquarters in Quelicai.

The ETHRC confirmed that **Jose Moreira, Eusebio Pascoal da Conceicao, Adelia Ximenes, Domingos Freitas, Boaventura Belo, Eusebio** (no surname) and **Martinho Belo** were arrested by members of the Rajawali Battalion, Team Saka, and Kopassus and detained at KORAMIL headquarters in Quelicai.²⁸ Eusebio Pascoal da Conceicao was transferred to POLRES (Police Resort) headquarters in Baucau but it is not known if he has been released.

Joaquim Moreira, who is from the village of Uaitame and a student at the Economics High School (SMEA) in Baucau, was reported missing following his arrest on 17 May by members of

²⁴ Reuter, Jakarta, 12 June 1997

²⁵ Confidential source

²⁶ ETHRC Urgent Actions UA 13/97, 17/97, 17/97PR, 19/97 and 20/97

²⁷ See appendix D for list of names

²⁸ Confidential source

the Military Intelligence Unit (Satuan Tugas Intelijen) in Baucau.²⁹ ETHRC sources confirmed that Moreira was released on 19 May but arrested again on 13 June during the post-election military operation. It is believed he was detained at KODIM headquarters in Baucau where he was interrogated and tortured.

Sidonio Belo, Faustino Belo and Martina da Silva Belo, Felisberto Belo, Julio Belo, Francisco de Fatima Belo, Jose Antonio Belo and Jeronimo Sarmiento disappeared following their arrest in early June.³⁰ ETHRC sources subsequently confirmed that Sidonio Belo was detained at KORAMIL headquarters in Quelicai but the whereabouts of the other seven is not known.

Francisco da Costa, who was not previously reported by the ETHRC, is also believed to be detained at POLDA. This brings the total number of arrests in the Quelicai sub-district following the election to 101.³¹ A reliable ETHRC source reported that as at 8 August, thirty-five of the Quelicai detainees, including Sidonio Belo, were still in detention.³²

Arrest and alleged killing of Commander David Alex

Commander **David Alex**, second in command of the East Timorese armed Resistance (Falintil), was arrested on the morning of 25 June, together with five other men, in the village of Caibada, near the town of Baucau, by members of Kopassus (Special Forces Command).³³ ETHRC sources reported that the men had travelled to Caibada in order to seek medical attention for Alex who suffers from ill-health and that they were unarmed at the time of their arrest. It is believed Alex was suspected by the military of planning the 31 May attack on the Indonesian army truck in Quelicai and other Falintil attacks in and around Baucau.

According to the Indonesian military, David Alex died later of bullet wounds to his thigh and arms, which he sustained during an armed conflict with the Indonesian military at the time of his arrest. There were conflicting Indonesian reports about the circumstances of Alex's alleged death. One member of the Indonesian military, Colonel Slamet Sidabutar said, "it's not true that he died in custody, but he died while he was being treated and was receiving a blood transfusion." Sidabutar also said that Alex sustained bullet wounds which he received in fighting between rebels and troops.³⁴ In a conflicting report, an unidentified member of the military said that Alex "died during a helicopter ride from Baucau to Dili", from gunshot wounds he sustained in a shootout with soldiers which led to his arrest.³⁵ Indonesian authorities have claimed that David Alex was buried at 8.30am on 26 June at Bidau-Santana cemetery in Dili.

²⁹ ETHRC Urgent Action 13/97

³⁰ ETHRC Urgent Action UA 17/97PR

³¹ Confidential source

³² See appendix C for complete list of names of the 35

³³ ETHRC Urgent Actions UA 16/97 and 16/97PR

³⁴ Reuter 26 June 1996

³⁵ AFP, 26 June 1997

East Timorese sources have informed the ETHRC that the military refused to return the body to David Alex's family and also refused their request to open the coffin at the cemetery during the funeral service. However, the Indonesian military has denied that the family's request to see the body was refused. Authorities claim the family was shown photos of Alex after his capture and alleged death, and it has been reported they are now satisfied that Alex is dead. However, the ETHRC believes Alex's family may have been under pressure to accept the military version of events rather than demand that the authorities exhume the body for the purposes of identification and an autopsy.

There has been no independent investigation into the circumstances of the alleged death of Commander David Alex, which cannot be conclusively confirmed because the body was not exhumed for identification by the family and an autopsy was not performed. The ETHRC has called upon the Indonesian authorities to allow an independent and impartial investigation to be undertaken. The ETHRC is concerned that David Alex may not have died on 25 June as reported by the Indonesian military but may have been held incommunicado and subjected to interrogation and torture.³⁶

Fears are still held for the five men arrested with David Alex. ETHRC sources have confirmed that four of the men arrested with David Alex, **Jose Antonio Belo**, **Manuel "Loke Matan"**, **Gil da Costa**, and **Jose Mendonca** (or Mario da Costa as the fourth name is unconfirmed), were taken to Kopassus headquarters at Kota Baru in Baucau (known as "Rumah Merah" or "Red House"), which is reputed to be a torture centre of the Indonesian military. It is believed the four men are still in detention there. The ETHRC has not been able to confirm where the other man, **Guilherme dos Santos**, was taken, however, it is believed that he may be detained at SGI headquarters in Dili.³⁷

Other repercussions against civilians: Baucau District

On May 28, it is believed **Miguel Baptismo da Silva** and his wife, **Du- Lequi**, were shot dead by members of the Indonesian military in Baucau. Da Silva had been the head of the district parliament from 1987 to 1992. One report said they were attacked in their home while another said they were in their car at the time of the shooting.³⁸

On 2 July, one East Timorese man was killed and fourteen arrested during an assault by the Indonesian military on the village of Wadaboru. **Lucas Gaio**, **Cesario Marcal Freitas**, **Celestino Ximenes**, **Domingos Ximenes**, **Gregorio Ximenes**, **Leopoldo Ximenes**, **Januario Ximenes**, **Virgilio Ximenes**, **Amaro Ximenes**, **Domingos Savio Ximenes**, **Luciano Ximenes**, **Felix Freitas**, **Marcos Pereira**, and **Guilherme Moreira** were hiding in a house when members of Kopassus (Special Forces Command), BTT 312 (Territorial Battalion) and Team Saka (a team of East Timorese recruited into the Indonesian military) attacked the house, arresting the men.³⁹ It is believed the military also burnt down the house, which belonged to Lucas Gaio. Both Lucas Gaio and Marcos Pereira were burnt in the fire before being arrested. The ETHRC believes the

³⁶ See ETHRC Urgent Action UA 16/97

³⁷ ETHRC Urgent Action UA 16/97PR

³⁸ HRW Asia report, Ibid

³⁹ ETHRC Urgent Action UA 22/97

men may have been arbitrarily arrested as no warrants were produced at the time of their arrests.⁴⁰ **Antonio Freitas**, 20, who was shot dead during the assault was buried later at Wadaboru.

The fourteen men were taken to KORAMIL (Sub-district Military Command) headquarters in Quelicai, where it is believed they were subjected to torture. The following day, they were transferred by military car to Baucau and taken to an unknown location and their current whereabouts is not known. According to a report received by the ETHRC, the fourteen men were arrested for their alleged involvement in an attack on a police car on 31 May at the village of Abafala in Quelicai, which resulted in the car being set on fire.

Throughout the territory, East Timorese civilians wishing to boycott the election faced arbitrary arrest for their peaceful protest. On 30 May, **Januario Ximenes** from Buibau village, Loidua, was killed after he was arrested by the head of Buibau village and police from Baucau. His arrest is believed to be related to the burning of a BRIMOB vehicle during election the period and he was also accused of boycotting the election. Following his arrest he was beaten to death and buried at Hera with four other unidentified bodies.

Human Rights Watch Asia reported that voting was delayed a day in Seissal, Baucau district, because the polling place was attacked on 29 May by an unidentified group. According to HRW, an Indonesian official named Abinau Salay, who was a member of a civilian militia group, was hacked with a machete and wounded. Local officials reported that ten people were arrested and detained at district police headquarters in Baucau.⁴¹ The ETHRC has not confirmed these allegations but ETHRC sources reported that **Laurentino Correia, Domingos Correia, Amelia Correia, Armindo Correia, Sabino Correia, Victor Correia** and **Antonio Correia** were arrested on 29 May in Seissal, Baucau, for refusing to vote in the election.

On the same day, **Salvador Belo, Cipriano Belo, Saul Belo** and **Pantaleao Belo** were arrested by members of BTT (Territorial Battalion) at Laga, Baucau. It is believed they had been persecuted by the military for boycotting the election and were in hiding at Pantaleao Belo's house when they were arrested. They were also suspected by the military of being members of either Fretilin or the Clandestine Front. The men were taken to an unknown location after their arrest and it is not known if they have been released.⁴²

Aileu District

Amnesty International reported that **Joaquim Carvalho de Araujo, Aleixo** (no surname), **Marcos Exposto** and **Domingos Quintao** were arrested on 9 June in Remexio in the Aileu district by members of KODIM (District Military Command) stationed in Aileu. It is believed they were arrested for their alleged involvement in the spate of attacks by Falintil on Indonesian military and government targets during the election period.⁴³ It is believed Aleixo may have been released, but that Joaquim Carvalho de Araujo's whereabouts is not known. It is believed

⁴⁰ Confidential source

⁴¹ HRW Asia report, Ibid

⁴² Confidential source

⁴³ Amnesty International, AI Index ASA 21/47/97, 4 July 1997

his family suspects that he may be detained at Kopassus headquarters in Dili or Aileu. The other two men may still be in detention at either POLRES (Police Resort) in Aileu or POLSEK (Police Sector) in Remexio,⁴⁴ but this is unconfirmed.

Bobonaro District

Ernesto Soares, Antonio Barros, Francisco Martins, Hermenegildo Pereira, Afonso Alitalo, Baptista Guterres, Jacinto Barros, Tomas Maia, Joao Talimeta, Francisco Maia and Duarte Barros were arrested between 29 and 30 May in the sub-district of Atabae, Bobonaro.⁴⁵ The eleven men were arrested by members of KODIM and the Rajawali battalion and detained at KODIM headquarters in Maliana where it is believed they were subjected to torture. It is believed they were arrested for their alleged involvement in the burning of two polling booths on 28 May in the Atabae area. Duarte Barros, Francisco Maia and Jacinto Barros were then released while Francisco Martins, Joao Talimeta, Hermenegildo Pereira, Afonso Alitalo, Tomas Maia and Baptista Guterres were taken to POLRES in Maliana for further questioning. They were released on 8 June. Ernesto Soares and Antonio Barros were charged under Article 158 of the Indonesian Criminal Code (KUHP) and were due to appear at the Maliana State Court on 21 June but were subsequently released and the charges dropped due to a lack of evidence.

Other ETHRC sources have confirmed that all eleven men were subjected to torture and ill-treatment. During their arrest, they were beaten by members of KOSTRAD (Army Strategic Reserve Command), the Rajawali battalion, Halilintar militia (East Timorese recruited into the Indonesian military) and GADAPAKSI (Pro-Integration Youth Action Group). They were handcuffed and placed in trucks and beaten with bamboo poles and blocks of wood. On the way to detention, they were punched, kicked, burned with cigarettes, verbally abused and even shot at. It is believed Afonso Alitalo was so badly beaten that he had difficulty in moving. Although all eleven men have been released, they must report periodically to the local authorities.

Dili District

Many others were detained in Dili during the election period for their involvement in violent incidents, the details of which the ETHRC has not been able to confirm. It is not known how many are still in detention.

Julio da Costa, Juliao de Sa Martins, Mateus de Sousa, Antonio Soares, Carlos dos Santos Correia and Jose de Carvalho Aniceto were detained at POLDA in Comoro for their alleged involvement in violent incidents surrounding the election.⁴⁶ **Rui Leite Correia, Domingos Pereira and Tomas Ornai** were arrested and accused of being involved in organising criminal activities on 30 May against the Indonesian government while **Luis Antonio Soares** was arrested for his alleged involvement in the 27 May attack against police members in the sub-district of Laga. All four men were also taken to POLDA in Comoro and are believed to be still in detention, awaiting trial.⁴⁷ **Agustinho** (no surname) and **Jose Cabral** were arrested on 15 June

⁴⁴ Confidential source

⁴⁵ ETHRC Urgent Actions UA 14/97 and 14/97PR

⁴⁶ Confidential source

⁴⁷ Confidential source

by members of the Indonesian police and accused of being members of the Clandestine Front. They were also detained at POLDA. It is believed that Agostinho was subjected to torture and ill-treatment and denied access to his family.⁴⁸

Americo Fatima da Costa, a student from Benamauk, East Dili, was arrested at Becora Bus Terminal at 4.00am on 7 June by members of the police force and BRIMOB. He was suspected of being an East Timorese activist and of boycotting the election.⁴⁹ According to a media report, **Filipe da Costa** was arrested an hour later in the same area.⁵⁰

Amaro Belo was shot by members of Kopassus (Special Forces Command) on 13 June. It is believed he was shot as part of the crackdown by the Indonesian military in response to guerilla attacks to disrupt the Indonesian elections and was a suspected intermediary between Falintil guerillas and their supporters.⁵¹

Vasco da Gama was arrested in Dili on 16 June by members of the SGI (Special Intelligence Unit), BRIMOB, the Police and Kopassus, who were reportedly dressed in civilian clothes. He was taken away in an SGI car and detained at POLDA in Dili. According to ETHRC sources, Vasco da Gama has been subjected to torture in detention and it is believed he is still in detention awaiting trial.⁵²

Lautem District

On 28 May, an East Timorese man named **Castelho**, his three children and other unidentified people are believed to have been killed in Lospalos. The killings were reported by Human Rights Watch Asia⁵³ which said the victims were killed by East Timorese guerrillas, although HRW noted its information was not independently confirmed. The HRW report condemned any targeting of civilians or other non-combatants by East Timorese guerrillas as being a violation of international humanitarian law. According to the HRW report, the Lospalos attack took place at 8.00pm while Castelho, locally known as a supporter of integration with Indonesia, was watching television with his family and some school teachers from Eastern Indonesia. It was alleged that while they were watching television, guerrillas vandalised the satellite dish outside. When the group went outside to see what was wrong they were confronted by guerrillas who asked why they had signed documents supporting integration, then allegedly opened fire on Castelho and three of his children. The teachers attempted to run away but were also shot and killed.

The ETHRC received reports from East Timorese sources who provided a different version of the incident. According to the sources, eight youths and a teacher called Alvaro (probably Castelho but not confirmed) were watching television at the teacher's house, when members of

⁴⁸ ETHRC Urgent Action UA 15/97

⁴⁹ Sydney Morning Herald, 14 June 1997, and confidential source

⁵⁰ Sydney Morning Herald, Ibid

⁵¹ Sydney Morning Herald, 14 June 1997, and confidential source

⁵² ETHRC Urgent Action UA 15/97PR

⁵³ Human Rights Watch Asia report, Ibid

the Indonesian military entered the house and allegedly killed Alvaro, his children and the eight youths. The television and satellite dish were destroyed by the military.

HRW⁵⁴ also cited other reports, one of which said the guerrillas came to Castelo's house on a motorcycle which they had taken from a transmigration centre after killing two soldiers and a transmigrant from Bali, while a second report said they had taken a Balinese family hostage, and eventually released the woman and child but shot and killed the man.

On 5 June, members of Team Alpa and the Rajawali battalion arrested **Francisco Pereira** and his wife, **Lucia Vieira**, at their house in the village of Serelau, Moro sub-district. The arrests are believed to have been related to the burning of a BRIMOB car. The following day, they were taken to KODIM in Lospalos where it is believed they were both beaten by the military. It is not known whether they are still in detention.⁵⁵

On about 14 June, **Virgilio dos Santos Pinto**, **Cancio da Costa** and **Gil Fernandes** were arrested and detained by members of the Kopassus, during house-to-house searches in the village of Soru near the town of Lospalos. The searches are believed to have been related to the armed attacks on military and civilian targets by members of Falintil. The three men were taken to the Kopassus detention centre in Lospalos, locally known as Mess Gula, where it is believed they were subjected to torture and ill-treatment. One ETHRC source reported that Virgilio dos Santos Pinto may still be in detention at KODIM headquarters in Lospalos, however this report is unconfirmed.⁵⁶ Another seven men, **Lorencio Monteiro**, **Sergio Paul Dias**, **Aurelio Mendes**, **Jose da Costa**, **Joao da Costa**, **Aurelio** (no surname) and **Aleco Neves** were also reported to have been arrested in the Lospalos district. Their current whereabouts is unconfirmed, but one ETHRC source has reported that Jose da Costa and Joao da Costa may be in detention at KODIM headquarters in Lospalos. The precise reasons for the arrest of the ten men is unclear, however they are believed to be related to the post-election attacks by Falintil against military and government targets.

2. EXTRA-JUDICIAL EXECUTIONS

The East Timor Human Rights Centre is concerned about the continuing high level of Extra-judicial Executions in East Timor. In 1996, the ETHRC received reports identifying twenty-four East Timorese civilians who were killed. Between January and July 1997, the ETHRC received reports of extra-judicial execution of 49 East Timorese people and many of these took place in the period immediately surrounding the Indonesian election. Most of the suspected extra-judicial executions have so far not been investigated by the Indonesian authorities.

⁵⁴ Ibid

⁵⁵ Ibid, and confirmed by confidential sources

⁵⁶ Confidential source

a) Extra-judicial Executions

1. In January 1997, it is believed that a young East Timorese man was executed and decapitated in the village of Wailili, Baucau district. According to a report received by the ETHRC, the victim has not been able to be identified because of the poor condition of his body.⁵⁷ It is not known if the victim was from Wailili or whether he was arrested elsewhere, killed, and his body dumped in Wailili. The body was found in an area believed to be under the surveillance of a unit of battalion 745 posted in Fatumaca. No-one was allowed to enter the area, including local people and the International Committee of the Red Cross (ICRC).
2. At 4.00am on 8 February, it is believed **Fernando Lopes**, aged 32, from the hamlet of Beto Barat in the suburb of Comoro, Dili, was shot in the back in the main street of Comoro, about 50 metres from the local police headquarters, by unidentified members of the Indonesian military. He was taken by local police to the Wirahusada military hospital where he had the bullet removed, but he died at 7.00pm that night.⁵⁸
3. On 8 March, **Carlito Pinto**, 36, from Viqueque, was shot dead by members of the Rajawali battalion while travelling from Viqueque to Dilor with his uncle. Pinto's uncle (name unknown) was also shot and injured and received medical treatment at the Viqueque hospital. It is believed Pinto's uncle was told by the authorities to say that Carlito was killed by Falintil.⁵⁹
4. On 23 March, an East Timorese youth called **Marcal** is believed to have been stabbed to death during the demonstration at the Hotel Mahkota during the visit of UN envoy Mr Jamsheed Marker.⁶⁰
5. On 25 April, it is believed **Alcino da Costa** died after he was shot by security forces who fired into the air to break up a dispute during a concert organised by Golkar's youth wing.⁶¹
6. On 28 May, it is believed that **Miguel Baptismo da Silva**, 54 and his wife, **Du- Lequi**, were shot dead by members of the Indonesian military in Baucau.⁶²
7. On 28 May, an East Timorese man named **Castelho** and an unconfirmed number of unidentified people are believed to have been killed in Lospalos. Human Rights Watch Asia reported that the victims were killed by East Timorese guerrillas, however, East Timorese sources informed the ETHRC they were killed by members of the Indonesian military.⁶³

⁵⁷ Confidential source

⁵⁸ Confidential source

⁵⁹ Confidential source

⁶⁰ See page 3 for full details

⁶¹ See page 16 for full details

⁶² The executions took place the day before the Indonesian election, see page 9 above.

⁶³ The executions took place the day before the Indonesian election, see page 12 above.

8. On 30 May, it is believed **Januario Ximenes**, 40, was arrested and beaten to death in the village of Buibau. Ximenes' arrest is believed to be related to the burning of a BRIMOB vehicle during the election period and he was also accused of boycotting the election.⁶⁴
9. On 5 June, it is believed that **Amancio** (no surname), 25, from Vainiki, Baucau, was shot dead at the Vainiki petrol station.⁶⁵
10. On 7 June, it is believed **Januario Martins**, from the village of Bui-Bau, Baucau district, was arrested by members of Team SAKA at Uaidaba in Lai-Soro-Lai, Quelicai sub-district. It is believed he was then handed over to members of BRIMOB to be taken to Dili. It is alleged that on the way to Dili, Januario Martins was subjected to severe torture and is believed to have died as a result of the torture. An ETHRC source has reported that Januario Martins' body was buried at a cemetery in Hera in Dili on 13 June.⁶⁶
11. On 9 June, it is believed that Indonesian security forces killed **Vasco Pinto**, 24, in the district of Viqueque, after accusing him of collaborating with the local resistance movement. Resistance sources reported that the youth had been stabbed several times in the back and chest.⁶⁷
12. On 9 June, it is believed **Seintisus Freitas**, 26, was shot and killed when Military battalion 312, led by Tegu S, together with GADAPAKSI (Pro-integration Youth Action Group), carried out a military operation in Samalari village, Laga, Baucau district.⁶⁸
13. At 6.00pm on 13 June, it is believed **Amaro Belo**, 35, was shot by members of Kopassus (Special Forces Command). It is believed he was shot as part of the crackdown by the Indonesian military in response to guerilla attacks to disrupt the Indonesian elections as he was a suspected intermediary between Falintil guerillas and their supporters.⁶⁹
14. On 15 June, it is believed **Francisco Trindade**, 45, was shot dead by members of the Rajawali and battalions 713 and 721 patrolling the village of Licapat. It is believed Francisco Trindade was a member of the armed East Timorese Resistance but according to East Timorese sources, he was unarmed at the time he was killed.⁷⁰
15. On 25 June, **Belamino Fraga**, 16, and **Marcelino Gomes**, 22, were killed by the Indonesian military in Kailara, Baucau district. It is believed the two youths were arrested and taken to the local cemetery where they were killed. Their bodies were found the following day by their relatives and friends.⁷¹

⁶⁴ See page 9 above

⁶⁵ Confidential source

⁶⁶ Confidential source

⁶⁷ LUSA news, 13 June 1997

⁶⁸ Confidential source

⁶⁹ Sydney Morning Herald, 14 June 1997, and confidential source

⁷⁰ Confidential source

⁷¹ Confidential source

16. On 24 July, it is believed **Jose Pereira**, 19, from Auraba in the village of Sagadate, Laga sub-district, Baucau, died in military custody from bayonet stab wounds inflicted during torture.⁷² Pereira had been arrested on 16 July by members of the Rajawali and the BTT (Territorial) battalions and taken to "Nanggala" headquarters located at Saelari village. Pereira's family was not allowed to visit him in detention. It is believed that while in detention Pereira was tied to wooden pillars and beaten, his body was sliced with bayonets, and boiling water was poured on him. Another East Timorese man, Jose do Rosario was also arrested and tortured at the same place.⁷³

b) Extra-judicial Executions with Repercussions

As in 1996, killings of East Timorese people and Indonesians often resulted in repercussions for civilians with arbitrary arrests following.

1. On 6 April, six East Timorese men were killed and another five injured in two separate ambushes believed to have been carried out by members of Falintil. In the first incident, armed attackers shot at a vehicle carrying officials in Viqueque, killing six people. The second ambush on another vehicle in the same area left several people injured. Colonel Sukoco, East Timor Deputy Military Chief, said five died of bullet wounds while the sixth was stabbed to death on the way to hospital. According to one East Timorese source, the people killed were members of Makikit (a group of East Timorese recruited into the Indonesian army) and were functioning as part of the GADAPAKSI (Pro-Integration Youth Action Group). The six killed were **Eugenio da Costa Soares** (Sub-district Head), **Francisco Kaibulu**, **Aleixo da Costa**, **Mateus Sarmento**, **Alfonso da Silva** and **Antonio Sarmento**. According to East Timorese sources, the six men were generally armed and engaged in operations with the army but sources in East Timor said Eugenio da Costa Soares was the local head of the GADAPAKSI. According to Indonesian reports⁷⁴, the six men were civilians. Indonesian reports also identified another five men, also reported to be civilians who were seriously injured in the two ambushes: **Gaspar Fernandez**, **Gazpar Amaral**, **Lino Amaral**, **Jhon Romer**, **Martin** and **Alo**.
2. On 2 July, **Antonio Freitas**, aged 20, was shot dead by the military during an assault by members of Kopassus, BTT 312 (Territorial Battalion) and Team Saka on a house in the village of Wadaboru. Antonio Freitas was buried later at Wadaboru. During the assault, fourteen East Timorese men were also arrested.⁷⁵

⁷² Confidential source

⁷³ See page 20 for details

⁷⁴ Antara, 11 April 1997

⁷⁵ See page 9 for full details

c) Arbitrary Arrests Following Killings

Baucau District

Four, possibly six East Timorese people are believed to have been arrested in eastern Baucau, following the killing on 25 April of an alleged supporter of Indonesia's ruling party, Golkar.⁷⁶ According to media reports, an argument broke out between East Timorese people and a member of Golkar at a concert organised by Golkar's youth wing. Security forces fired into the air to break up the dispute and a man who received gunshot wounds is believed to have died. Indonesian media reports said the man had been killed by "a group of people who oppose the government, Golkar and the armed forces."⁷⁷ However, ETHRC sources reported that the victim was Alcino da Costa, aged 35, and that he died after being hit by gunfire from Indonesian security forces.

Lautem District

The ETHRC received a report that twelve East Timorese men from the village of Euquice, near the city of Lospalos, were arrested on 9 April. **Jose Lemos, Caetano Alves**, aged 17, **Jose dos Santos, Joao da Costa, Rui Manuel Marques, Adao de Sousa, Bernardino Fonseca, Jose da Costa, Viriato dos Santos, Denis Alves, Levegildo** (no surname) and **Henrique** (no surname) were arrested by members of KODIM Unit 1629 and members of POLRES (Police Resort). It is alleged the men were subjected to ill-treatment by members of KODIM Unit 1629.⁷⁸ ETHRC sources have confirmed that Jose Lemos, Joao da Costa, Caetano Alves, Jose dos Santos and Henrique were detained at KODIM headquarters in Lospalos.⁷⁹ The current whereabouts of all the detainees is not known.

The arrests are believed to be related to the death of an Indonesian soldier allegedly killed by a Timorese youth on 7 April 1997. According to the report, two INTEL agents from KODIM, Domingos Perreira, and Captain Pagodo, arrived at the hamlet of Barlio, Euquice village, by motorbike, with the intention of arresting a youth called **Henrique**. It is believed Domingos Perreira was killed by an East Timorese man who had attempted to protect Henrique from unlawful arrest. The victim was buried at TMP in the city of Lospalos.

Viqueque District

Eleven East Timorese men were arrested in the Viqueque district in early January. **Miguel Alex Correia, Paulino Almeida Pinto, Savio de Almeida, Paulo Lisboa, Abilio de Almeida, Antonio Guterres, Salvador Alves, Martin Lopes, Cancio Almeida and Ciquito Lopes**, from the village of Besoru, were arrested on 11 January, during a military operation conducted by the soldiers of the 407th battalion in the Uatulari sub-district. They were allegedly involved in the violent riots which took place in Dili on 24 December, 1996, following the return of Bishop Belo

⁷⁶ Amnesty International, AI Index ASA 21/31/97, 29 April 1997

⁷⁷ AFP, 29 April 1997

⁷⁸ Confidential source

⁷⁹ Confidential source

from Oslo, in which a member of the Indonesian military, Alfredo de Santo Siga was killed.⁸⁰ Another man, **Ponsiano Silvester** was arrested by members of the Indonesian military and detained at the KODIM headquarters in Viqueque. It is believed he was accused of setting fire to vehicles belonging to the District Head and the Viqueque Military Commander.⁸¹

Miguel Alex Correia, Paulino Almeida Pinto, Abilio de Almeida, Antonio Guterres, Salvador Alves, Martin Lopes, Ciquito Lopes and Cancio Almeida have now been released. The ETHRC believes that the men were arbitrarily detained as no charges were brought against them. It has been confirmed that while in detention, they were subjected to interrogation, torture, beatings and ill-treatment. The ETHRC has received no further information about Ponsiano Silvester, Abilio de Almeida and Paulo Lisboa.

2. Arbitrary Arrest, Detention, Torture, Disappearances

In 1997, there has been a high level of arbitrary arrests and detainees continue to be systematically subjected to torture in detention. The ETHRC believes at least 707 East Timorese people were arrested between January and July 1997. The arrests were usually made without a warrant⁸² and were often made by the military rather than the police as required under Indonesian law.⁸³ Detainees usually did not have access to lawyers, despite their rights to legal advice under Indonesian law,⁸⁴ putting them at risk of torture and ill-treatment, intimidation to extract information, and rape.

Ainaro District

On 14 January forty East Timorese people accused of collaborating with the armed Resistance are believed to have been arbitrarily arrested in the Hato-Udo sub-district in the Ainaro district.⁸⁵ According to ETHRC sources, some of the forty East Timorese were detained and others disappeared following their arrest. No further information is available.

Baucau District

The ETHRC received a report that twenty youths were arrested and detained by Indonesian security forces before the inauguration of Bishop Basilio in Baucau on 18 and 19 March.⁸⁶ The

⁸⁰ ETHRC Urgent Actions UA 2/97 and UA 2/97/PR

⁸¹ ETHRC Urgent Actions UA2/97 and UA2/97/PR

⁸² Suspects must be served with a written warrant of arrest, unless they are caught 'in flagrante delicto', and their relatives must be furnished with a copy, Indonesian Code of Criminal Procedure (KUHAP), Article 18.

⁸³ Sole responsibility for arrest, detention and investigation in criminal cases rests with the police, KUHAP, Article 18.

⁸⁴ Detainees have the right to consult with and be accompanied by legal counsel of their own choice at all stages of interrogation (KUHAP Articles 54,55,57) and legal counsel should be free to meet and speak in confidence with their clients (KUHAP Articles 70 and 71).

⁸⁵ Confidential source; see appendix B for the names

⁸⁶ Confidential source

youths were arrested because the security forces suspected they would disrupt the inauguration ceremony. The names of those arrested are not known.

On 4 April, **Moises Lobato Pereira**, **Sebastião Pereira**, **Domingas da Costa** (a 23 year old woman), and **Sidonio Ximenes** were arrested in Baucau by members of Team Saka, an anti-guerrilla unit of East Timorese men recruited into the Indonesian army.⁸⁷ It is believed Domingas da Costa and Sidonio Ximenes were suspected of working for a clandestine pro-independence organisation, however, the reason for the arrests of the other two is not known. The four were taken to the headquarters of SGI (Kopassus) at Kota Baru in Baucau (known as "Rumah Merah" or "Red House"), which is reputed to be a torture centre of the Indonesian military. ETHRC sources reported the four people were kicked and beaten with rifle butts until they bled and Moises Lobato Pereira is believed to have sustained a broken rib. They were interrogated by members of the SGI, stripped of their clothing, and subjected to torture with their fingers being crushed under the legs of a chair. Domingas da Costa also had the palms of her hands cut into a cross shape. Moises Lobato Pereira, Sebastiao Pereira and Domingas da Costa were released, however it is believed Sidonio Ximenes may still be in detention at the Red House.⁸⁸

On 13 May, **Hermenegildo Alves**, **Egidio Soares** and **Sedelegio Soares** were arrested at their homes at Lai-Soro-Lai, Baucau district, by members of Team SAKA and the Rajawali battalion. The following day, the three men were taken to the Team Saka's military post where it is believed they were beaten.⁸⁹ On the same day, **Paulo Marcal Boavida** was arrested by members of Team SAKA and the Rajawali battalion at his cousin's house at Lai-Soro-Lai during a celebration being given in honour of the Virgin Mary. He was also taken to the military post where it is believed he was beaten. Between 14 and 15 May, **Ananias Cabral** was arrested at his home in Bubulita, Uatolari sub-district, and **Mano-Gamo**, **Gaspar Fernandes** and **Paulo Amaral** were arrested in their homes in Lai-Soro-Lai. They were all taken to the military post at Lai-Soro-Lai. On 15 May, all eight men were taken by the BRIMOB police to Vila-Nova in Baucau.⁹⁰ It is not known if they are still in detention.

On 15 May, **Joao Guterres** (also known as Mau-Lana) was arrested at a military checkpoint at Tigre by members of Kopassus.⁹¹ He was taken to Dili where he was detained at Battalion 744 headquarters in Taibessi. The reason for his arrest is unconfirmed, however according to one source, Joao Guterres, who is an employee of the hotel Villa Harmonia in Dili, had been seen talking to some foreigners.

On 11 June, **Constancio Freitas**, **Gabriela Elisa**, **Rogério Batista**, **Anacleto Freitas**, and **Constancio dos Santos**, all from Baucau, were arrested by members of the Indonesian military and detained somewhere in Baucau.⁹² No further information is available.

⁸⁷ ETHRC Urgent Action UA 4/97

⁸⁸ ETHRC Urgent Action UA 4/97PR

⁸⁹ Confidential source

⁹⁰ Confidential source

⁹¹ ETHRC Urgent Action UA 10/97, UA 10/97/PR

⁹² Confidential source

Between 17 and 18 June, **Bendita Silva, Eduardo Gusmao, Saturnino dos Santos, Antonio Belo Gusmao and Paulino Gama** were accused of collaborating with the armed East Timorese Resistance in Quelicai. They were arrested by members of the Indonesian Police and INTEL (Indonesian Intelligence) and detained at Police Headquarters in Baucau. It is believed they were subjected to torture and ill-treatment.⁹³

On 1 July, fourteen East Timorese men disappeared after their arrest by members of the Indonesian military during a military operation in Otaburu. The fourteen are **Duarte Filipe, Duarte Boavida, Joanico Boavida, Laurentino Freitas, Jose da Costa, Filipe Freitas, Martinho Freitas, Marcos Pereira, Domingos Ximenes, Lusildo Ximenes, Marcos Ximenes, Cesario Boavida, Leopoldino Ximenes and Sabino Ximenes**.⁹⁴ The operation was conducted by members of Team Saka, the Rajawali battalion and Kopassus. It is believed Indonesian authorities have alleged that the fourteen men were involved in the clandestine Resistance or the armed Resistance, however, the men have denied these allegations. Internal steps taken to locate the fourteen men have been unsuccessful and their whereabouts is still unknown.

On 9 July, **Manuel Gaio**, aged 30 and **Manuel Gaio**, aged 27, both from the hamlet of Laculela, in the village of Guruca, Quelicai sub-district, were arrested at their houses by members of Team Saka and Rajawali. They were told that they were being taken to a meeting in the village, but were instead taken to an unknown location in Quelicai. It is not known where the men are being held or if they are still in detention.⁹⁵

On 12 July, **Santina Morreira Belo** and her baby, aged under one, from the hamlet of Defadae in Makalaku village, Quelicai sub-district, were reported missing after they were arrested by members of Kopassus, the Police, and Team Saka. According to one report, Santina, her baby and her mother were on their way to a health clinic when they were stopped by the police who asked to see their ID cards and arrested Santina and her baby. The report states that as at 17 July, Santina and her baby were still detained at the police station in Quelicai.⁹⁶ It is not known if they have been released.

On 17 July, **Jose do Rosario** from the hamlet of Auraba, in the village of Sagadate, Laga sub-district, Baucau, was arrested by members of Rajawali at the hamlet of Beli-Uali, Sagadate. He was detained at Rajawali headquarters in the village of Saelari, Laga. It is believed he was tortured along the way to the base by the military. It is not known if he is still in detention. According to an eye-witness account, while in detention, do Rosario was tied to wooden pillars of the house and beaten. It is alleged his body was sliced with bayonets and boiling water was poured on him. The military had not permitted his family to visit him at his place of detention.⁹⁷ Jose Pereira was also arrested and tortured at the same location and is alleged to have died from the injuries sustained.⁹⁸

⁹³ ETHRC Urgent Action 15/97

⁹⁴ ETHRC Urgent Action 19/97

⁹⁵ Confidential sources confirmed that there were two men with the same name who were both arrested

⁹⁶ Confidential source

⁹⁷ Confidential source

⁹⁸ Jose Pereira was detained and tortured at the same place and died as a result. See page 15 for full details.

Bobonaro District

On 26 January, Indonesian military from Bilimau and Purogoa ambushed the homes of villagers in Poe-Ogor in Bilimau, Cailaco sub-district. **Miguel Soares, Gustavo Soares, Romeu Lucas** and **Anton** were arrested at 3.00am in the morning, tortured and taken to Purogoa for interrogation. They were forced to confess that they had been hiding guerilla members because they were related to guerilla soldiers.⁹⁹

On 5 February, it is believed that **Camilo Francalin, Domingos Noronha, Jose Franklin**, all from the village of Ritabou, and **Mariano de Deus Maia**, from the village of Kota-Bot, were arrested by members of Battalion 700. It is not known whether they were detained.¹⁰⁰

On 30 March, **Felisberto Maria dos Santos, Domingos Laranjeira, Jose Sobral**, and **Marcelino Fatima dos Santos** were arrested in the sub-district of Atabae, by members of the SGI and Kopassus.¹⁰¹ The four men were travelling on motorbikes when they were stopped at a military checkpoint at Atabae and arrested. Although there has been no official reason given for their arrests, it is believed that Felisberto Maria dos Santos was arrested on suspicion of being a member of the armed Resistance. The other three are believed to have been arrested for their alleged involvement in the clandestine Resistance movement. According to the most recent information, Domingos Laranjeira has now been released but it is believed the other three men may still be in detention at the headquarters of Battalion 744 in Taibessi, Dili where they have been held in a dark cell where, according to East Timorese sources, East Timorese prisoners who are going to be killed are kept.¹⁰²

Dili District

On the 3 March the arrested **Joao Vicente da Costa, Amaro Duarte, Domingos Martins, Martino Gusmao, Tomas da Silva** and **Tomas Ornai** were arrested by SGI in Dili. They were all arrested in their respective homes and at the time of the arrests the security forces did not produce any warrant of arrest. According to the information obtained, when they were arrested they were taken to Pasir Putih where they were tortured and severely beaten. They have now been released.¹⁰³

On 21 April, **Edison Marcal Dias Freitas** from Santa Cruz in Dili, was shot and arrested by members of the Indonesian military at the old market place in Quintal Boot, Santa Cruz.¹⁰⁴ He was then taken to an unknown destination and is believed to have disappeared. According to Amnesty International, his family went to the police station two days later to inquire as to his whereabouts and state of health but were unable to locate him and were not given a reason for his arrest. It is believed that Freitas was suspected of participating in the incidents which took place on 24 December 1996 in Dili, following Bishop Belo's return from Oslo where he received

⁹⁹ Confidential source

¹⁰⁰ Confidential source

¹⁰¹ ETHRC Urgent Action UA 9/97

¹⁰² ETHRC Urgent Action UA 9/97/PR

¹⁰³ Confidential source

¹⁰⁴ ETHRC Urgent Action UA 8/97

the 1996 Nobel Peace Prize. Thousands of people gathered to welcome Bishop Belo home but violence broke out, resulting in the death of an Indonesian, Alfredo de Santo Siga. It is believed Freitas was under constant surveillance for some time prior to his disappearance.

On 27 June, **Aquelino Ribeiro Fraga Guterres**, a university student from Lahane in Dili, disappeared after his arrest by members of SGI. The ETHRC subsequently confirmed that he was detained at POLDA in Comoro and charged under articles 106 and 108 of the Indonesian Criminal Code (KUHP) with conspiring to commit crimes against the Indonesian government. The ETHRC is concerned that he may have been targeted by the authorities as he is a former prisoner who served a prison sentence at Atauro from 1983 to 1986.¹⁰⁵

On 9 July, **Andre Ximenes**, from Bidau in Dili, was arrested by members of the Indonesian military and police. It is believed Andre Ximenes' family has not seen him since his arrest. **Henrique** (no surname), a nurse at the Civil Hospital in Toku Baru, Dili, was also arrested on an unspecified date and it is believed he was detained at the Police Command in Comoro where he was interrogated and subjected to torture.¹⁰⁶

On 16 July, **Mateus da Costa** was arrested by members of the Indonesian military at Hudi Laran in Dili. It is not known why he was arrested or if he is still in detention.¹⁰⁷

Ermera District

Between January and early February, the Indonesian military carried out a number of military operations against East Timorese civilians and members of the armed Resistance in the Ermera district, especially the villages of Fatuberi, Urahou, Sare, Licapat, Manu-Soe, Mau-Bora, Cailaco, Atabai, Leorema, Acu Lau and Fatubessi in the sub-district of Hatolia. Villagers were terrorised, their houses raided and the surrounding forest searched for evidence of the armed Resistance.

On 6 January, there were intensive military operations in Urahou village in the sub-district of Hatolia. Members of Linud 700 battalion, 744 battalion and Kopassus searched the houses of villagers, alleging that they were hiding guerillas, weapons, uniforms and ammunition. At midnight they ambushed the villagers' houses, stoning the doors and windows. The following night, they began firing guns in the nearby villages of Laulema and Kissu-Hun, alarming the villagers there. At 3.00am they began firing guns in the village of Tedelema, terrorising and frightening the residents. During the military operations **Celestino Lourenco Soares**, a religious teacher from the village of Mau-bora was captured, beaten and kicked and ordered to disclose the whereabouts of a guerrilla hideout and confess the names of people who supported the guerrillas.¹⁰⁸

On 11 January, ten Indonesian soldiers including Chico Rua Lala, Lauk Gusmao and Joao Tata terrorised **Francisco Noronha**, aged 15, at the Hamlet of Polete, Acu Lau village, sub-district of

¹⁰⁵ ETHRC Urgent Actions UA 18/97 and UA 18/97PR

¹⁰⁶ Confidential source

¹⁰⁷ Confidential source

¹⁰⁸ Confidential source

Hatolia. It is believed that Noronha was looking after buffaloes in the field when he was captured and tortured. He was warned not to tell anyone he had been tortured.¹⁰⁹

On 9 February, eleven East Timorese people were arrested following intensive military operations in the village of Leorema. **Fernando da Conceicao, Matia da Conceicao, Alberto da Costa Freitas, Joaquina da Conceicao, Daniel de Cardoso, Domingos da Conceicao, Carminda de Jesus, Paulo dos Anjos, Eugenia Martins, Valentin da Conceicao** and **Armindo** were believed to have been arrested by local authorities. All eleven people were detained and are believed to have been tortured while in custody.¹¹⁰

On 10 February, the LINUD 700 battalion, located in the sub-district of Hatolia, arrested two East Timorese youths, **Marcelino** and **Januario**, aged 17, from the hamlet of Lebo-Meu in the village of Fatubessi. The following day, many villagers were taken to Hatolia for interrogation as the youths arrested the previous day had been found possessing a military backpack containing ammunition, weapons and uniforms. The military suspected that the backpack was meant for the armed Resistance.¹¹¹

Between 25 and 27 March, Rajawali troops arrested three East Timorese youths in the Atsabe sub-district. **Cosme** of Atara village was arrested on 25 March and **Celestina** of Ataubu-Lasaun village was arrested on 26 March. It has been alleged that prior to Celestina's arrest, her house was sprayed with bullets and she was taken to the bush where she was tortured and raped several times. **Armando Magalhaes** of Lasaun village was arrested on 27 March and taken into the bush where he was strung up from a tree and punched and kicked. The three youths were suspected of cooperating with Falintil by providing logistical support.¹¹²

On 15 May, **Mau-Quinta, Lourenco Martins, Martinho Solteiro, Domingos, Julio, Lidia, Pedro, Celestino Babu, Manuel Alves, Paulo Babu, Hermenegildo Calcinha** and an elderly man called **Manuel** were arrested, beaten and tortured by members of the Rajawali battalion and battalions 713 and 721, stationed at Licapat. All twelve people were detained at POLRES headquarters in Ermera.¹¹³

Between 15 June and the end of July, **Domingos, Francisco Soares, and Graciano dos Santos** were arrested and detained at POLRES headquarters in Ermera. The exact date of the arrest is not clear.¹¹⁴ No further information is available.

On 15 June, **Gabriel Trindade, Manuel do Ceu Mendes, Marcelino dos Santos, Francisco, Alberto dos Santos, Miguel, Antoneta Mendes, Odete Araujo, Florindo, Adolfo Martins, Antonio Soares Babo, Paulo Soares** and **Joao Martins** were arrested by members of the Indonesian military in Ermera. It is not known where the thirteen people were detained or if they

¹⁰⁹ Confidential source

¹¹⁰ Confidential source

¹¹¹ Confidential source

¹¹² Confidential source

¹¹³ Confidential source

¹¹⁴ Confidential source

are still in detention, however ETHRC sources have confirmed that the military did not permit the families of the detainees to visit them while they were in detention.¹¹⁵

Lautem District

On 18 February, two farmers, **Fernando de Jesus** and **Mouzinho Marques** of Rau Moko, Daudare village, Moro Sub-District, were shot and wounded by a combined force consisting of the Rajawali battalion and Team Alfa (East Timorese in the Indonesian army), while they were on their way home from hunting deer in the bush. The security forces had suspected them of making contact with Falintil because they had gone into the bush. The two men managed to escape back to their respective homes, however the security forces continued to search for them.¹¹⁶

Also in February, **Fernando Nunes** from Iliomar was arrested by the Rajawali battalion and Team Alfa in Iliomar. While he was being transported to Lospalos, the car stopped at a bend in the road and Nunes jumped from the car and ran away. The troops in the vehicle chased after him and shot him in the back. However, Nunes ran into a church and then left the church via a window and is believed to have disappeared.¹¹⁷ No further information is available.

On 18 July, **Americo Jeronimo** and **Julio Monteiro** were arrested at the sub-district of Iliomar by members of the Indonesian military. They were suspected of having links with the East Timorese Resistance. Jeronimo is a former political prisoner who served a prison sentence at Cipanang prison in Jakarta. He and Monteiro had been threatened several times because they both have sons who have sought political asylum in Portugal. It is believed the military took the two men into the bush and demanded they lead them to the guerrillas.¹¹⁸

Liquica District

On 26 February, in Nassuta hamlet, Ulmera Village, Bazartete sub-district, six civilians were arrested by a combined force of troops from the Liquica military district command (KODIM), the SGI and the Linud 700 battalion. **Natalino Soares**, his wife **Maria Ribeiro Sarmiento** and their daughter **Ivonina Ribeiro Sarmiento**, **Adao de Jesus Pereira**, **Augusto Nunes Marques** and **Caetano de Jesus Araujo** were held in the Liquica KODIM headquarters where it is believed they were interrogated and beaten, submerged in freezing water, tortured by electric shock, and forced to confess the whereabouts of a Falintil hideout in the area near their houses. It is believed they were then released with the threat that if the security forces needed information they would be re-called.¹¹⁹

On 28 and 29 April, there was a mass arrest of civilians from Metagou village, Bazartete sub-district, by the local security forces. **Abilio de Araujo**, **Armando da Costa**, **Luis dos Santos**,

¹¹⁵ Confidential source

¹¹⁶ Confidential source

¹¹⁷ Confidential source

¹¹⁸ Confidential source

¹¹⁹ Confidential source

Luis Mau Buti, Silveiro Tilman, Sebastiao da Silva, Adelino da Silva, Bernarfino dos Santos, Joanico Conceicao, Jose da Conceicao, Salvador da Silva, Salvador dos Santos, Mateus da Silva, Ilario dos Santos, Florindo da Costa and Filomeno dos Santos were all arrested.¹²⁰ No further information is available.

Between the 12 and 17 June, **Laurindo Gustavao, Jose dos Santos, Orlando Albino Castro, Graciano Pereira, Marcos Albino, Vicente Albino Costa, Jaime dos Santos and Domingos dos Santos Pereira** were arrested and accused of having links with the Clandestine Front and the armed East Timorese Resistance. They were detained at KODIM headquarters in the town of Liquica.¹²¹

On 29 June, eight East Timorese men from the sub-district of Bazartete were arrested by local authorities. **Bendito Amaral, Francisco Magno, Germias Guterres, Joao Varela, Jose Tilman, Filomeno Ribeiro, Cobo Faria and Emericano Candido** were arrested and accused of collaborating with Falintil and taken to an unknown location for interrogation.¹²²

Same District

The ETHRC received a report about the arrest of **Pedro Henriques**, a resident of Bubusu, village of Aituha, sub-district of Fatuberliu, on 9 January. The youth was arrested and detained at the orders of Justino, a Kopassus Sergeant and taken to the town of Same, where he was allegedly kicked and tortured by a Kopassus Commander, Captain Krisna. Pedro's family was refused permission to visit him. According to the report, people in the sub-district of Fatuberliu have been under constant surveillance by the security forces and people are reluctant to go to their farms or make long journeys.¹²³

Viqueque District

On 13 December 1996, the ETHRC released a report about the systematic intimidation of the Viqueque population and the violation of their human rights by the Indonesian authorities.¹²⁴ The latest reports indicate that this pattern is still continuing in 1997, raising new concerns for the population of Viqueque. There is also concern about the increasingly active role of the GADAPAKSI (pro-intergration youth action group).¹²⁵

Up to 137 people were arrested in early February, following violent disturbances in the Uatulari sub-district.¹²⁶ The unrest began on 2 and 3 February when members of the GADAPAKSI, supported by the Indonesian military, terrorised East Timorese people in the villages of Uai Tame and Nae Dala, throwing stones and assaulting villagers' houses late at night. On 7

¹²⁰ Confidential source

¹²¹ ETHRC Urgent Action 15/97

¹²² Confidential source

¹²³ Confidential source

¹²⁴ See ETHRC summary report 28 February 1997 and ETHRC Urgent Action UA 12/96

¹²⁵ See ETHRC summary report 28 February 1997

¹²⁶ ETHRC Urgent Actions UA 7/97 and UA 7/97PR; See Appendix C for the 77 names reported by ETHRC

February, members of the GADAPAKSI and the Rajawali battalion patrolled the village of Bessia, intimidating youths who refused to join the GADAPAKSI. On 8 February, members of the GADAPAKSI (carrying guns believed to have been supplied by the security forces), military personnel from the Viqueque KODIM, and members of Kopassus patrolled the city of Uatulari, terrorising the local population and publicly provoking further unrest.

Reuters reported that the arrests began on 7 February when members of GADAPAKSI attacked a Catholic priest, his driver and ten East Timorese youths.¹²⁷ According to the report, fighting continued for days and some East Timorese youths were shot and wounded when the police opened fire on people. The East Timor deputy police chief, Colonel Atok Rismanto, denied the allegations that police had opened fire on people. "We only fired warning shots. No-one was hurt in the incident.....We have arrested 109 people after mass brawls in Viqueque on February 7 and 8. I can confirm there was some trouble there, but no fatalities."¹²⁸ Many people are believed to have abandoned their homes during the unrest. One ETHRC source reported that many of the people released were subjected to torture and ill treatment while in custody.

Tomas Caiware and **Armindo Soares** were both arrested following the unrest. The two men were arrested on 7 February in Darabai, Uatulari sub-district.¹²⁹ It is believed they were held at a military post at Darabai. During the next two days, a further thirty people were arrested in Macadique, Uatulari. It is believed they were detained at the KODIM (District Military Command) post in Viqueque.

According to Amnesty International, 105 people detained during the unrest were released by the Indonesian police after a short period.¹³⁰ Amnesty International reported that at least four East Timorese were believed to have been shot during the days of unrest in the Uatulari subdistrict. **Francisco Rangel**, (who is believed to have died from his injuries) and **Luis** were shot by members of the Rajawali battalion. **Aleixo de Carvahlo**, who escaped, and **Joachim**, were also shot by the Indonesian military.¹³¹ According to another report, Francisco Rangel, from the village of Ciraubalo (believed this is the same Francisco Rangel), disappeared after being captured in Buicarin, by members of Kopassus on 6 February. Francisco Rangel is believed to have been threatened for wearing a red beret (imitating members of Kopassus). It is alleged that Francisco managed to escape to Ualaco where Rajawali forces posted there spotted him and shot at him three times. No further information is available about his whereabouts and it is believed he may have disappeared.¹³²

On 24 March, members of GADAPAKSI led by a man called Eurico, arrested **Andre da Silva**, **Carlos de Araujo**, **Antonio de Jesus**, **Manuel Nunes** and **Luis Ramailho**, in Rai-Tahu village. The youths were taken to the local Territorial Battalion (BTT) post for interrogation and it is

¹²⁷ Reuters, Jakarta, 14 February 1997

¹²⁸ Reuters, Jakarta, 14 February 1997

¹²⁹ ETHRC Urgent Action UA 7/97

¹³⁰ Amnesty International, AI Index ASA 21/07/97, 19 February 1997

¹³¹ ETHRC Urgent Action UA 7/97

¹³² Confidential source

believed they were hit, tortured and beaten. The youths were held for three days at the post, and then released with their bodies covered in bruises.¹³³

On 26 March, in Buanurak hamlet, Loihunu village, Ossu Sub-District, members of the Kopassus, Makikit, and GADAPAKSI arrested and tortured **Vicente da Costa**, a local resident. It is believed he was arrested on suspicion of having connections with Falintil and detained for two days at the Kopassus post in Buanurak. During his detention Vicente da Costa was subjected to beatings and burnt with cigarettes. When he was released on 28 March, his body was covered in burn marks.¹³⁴

On 4 April, **Julio Gomes**, from Luca village, was arrested by members of the Rajawali battalion and two members of GADAPAKSI / INTEL named Marcelino de Jesus and Antonio Vicente.¹³⁵ The reason for his arrest is not known, however, it is believed he may have been arbitrarily arrested. Julio Gomes' family went to INTEL headquarters to inquire as to his whereabouts but were unable to obtain any information or to locate him. His current whereabouts is unknown.¹³⁶

On 17 June, members of battalion 407 stationed at Uma-Tola, Lacluta sub-district, arrested **Augusto Soares (alias Mali Leki)**, **Joao Soares**, **Funu-Nahak**, **Jose Ramos (alias Bere-Seren)**, **Felilx Amaral**, **Rubi Soares** and **Agostinha Soares**, aged 15, all from Lacluta subdistrict. It is believed Agostinha was arrested by three members of battalion 407 called Sergeant Budyono (the commander of the section), Private Slamet and Private Uby. The three soldiers forced Agostinha to bathe naked in the Dilor River while they photographed her. It is alleged the soldiers then raped the girl. It is believed Augusto Soares and Joao Soares received razor cuts to their bodies during interrogation.¹³⁷

On 3 July, **Tomas da Cruz**, was arrested in the hamlet of Bua-Nurak, located in the village of Loi-Huni, Ossu sub-district of Viqueque by members of the Indonesian military. According to a report received by the ETHRC, Tomas da Cruz was taken to KODIM headquarters for interrogation where it is believed he was subjected to torture and beatings during interrogation. Also on 3 July, **Secundino da Costa G** disappeared after his arrest in Ossu by members of the Indonesian military. It is believed his family has not seen him since his arrest. On 5 July, **Paulo Monteiro**, also from Ossu was arrested by members of battalion 407 and detained at KODIM, Baucau. It is believed he was suspected of collaborating with the armed Resistance.¹³⁸

¹³³ Confidential source

¹³⁴ Confidential source

¹³⁵ ETHRC Urgent Action UA11/97

¹³⁶ ETHRC Urgent Action UA 11/97

¹³⁷ Confidential source

¹³⁸ Confidential source

C. CONCLUSIONS AND RECOMMENDATIONS

The first half of 1997 has seen an alarming escalation of human rights violations in East Timor. East Timorese people continue to be subjected to the same violations which have been perpetrated by the Indonesian authorities in East Timor for over twenty-one years. Extra-judicial executions, arbitrary arrests and detention, "disappearances" and torture and ill-treatment of detainees were commonplace and there are no signs of these violations abating as the intensive post-election military operation continues. Some particularly serious violations require an urgent response from the international community in order to seek action from the Indonesian government.

In April 1997, the UN Commission on Human Rights made a strong resolution on East Timor, calling on the Indonesian government to take concrete steps to improve the human rights situation. The UN recommendations provide a clear reference point, reminding us that the Indonesian government has so far done very little to address the problem of human rights violations in East Timor. The deterioration of human rights in East Timor highlights the need for a permanent UN presence in East Timor, as well as access to the territory for international human rights organizations and foreign journalists. International scrutiny and condemnation of Indonesia's human rights record must continue if East Timorese people are to have any hope of the basic human rights denied to them for over twenty-one years.

1. RECOMMENDATIONS TO THE INDONESIAN GOVERNMENT

The ETHRC urges the Indonesian government to take the following steps:

1. Conduct a full and impartial investigation in the alleged death on 25 June 1997 of Commander David Alex.
2. Conduct full and impartial investigations of the violations detailed in this report, especially suspected extra-judicial executions, allegations of rape and allegations of torture and ill-treatment of prisoners, prosecuting those found responsible to the fullest extent of the law.
3. Immediately clarify the whereabouts of all people reported "disappeared" in this report and if they are still in detention, release them if they have not been charged with a recognisable offence.
4. Ensure that all East Timorese prisoners who have not been charged with recognisable offences under Indonesian law are released immediately and that all prisoners who have been charged are brought to trial promptly and fairly.
5. Ensure that East Timorese people in military or police custody are treated humanely and in accordance with international standards, and guarantee that the rights of prisoners will be respected and upheld. These rights are recognised under Indonesian law (Article 14 of law No.12 of 1995) and in the United Nations Standard Minimum Rules for the Treatment of Prisoners to which the Government of Indonesia has subscribed.

6. Stop the practice of arbitrary detention of individuals and the practice of holding people incommunicado, and ensure that detainees have full and continuing access to lawyers of their own choice and to members of their families.
7. Stop the practice of arbitrarily arresting individuals for their non-violent political activities, and immediately and unconditionally release any East Timorese people currently detained solely for their non-violent political activities.
8. Immediately cease the practice of using military forces to arrest and interrogate suspects, as these are functions of the police under Indonesia's Criminal Procedure Code (KUHAP).
9. Issue immediate instructions to the security forces to act in accordance with international standards on the appropriate use of force when dealing with demonstrations.
10. Allow East Timorese to fully exercise their rights under the Indonesian Constitution and international law, to freedom of expression, association and assembly.
11. Prohibit explicitly by law all forms of torture and other forms of cruel, inhuman or degrading treatment or punishment and ensure that all such acts are recognised as criminal offences, punishable by penalties which reflect the seriousness of the crimes.

2. RECOMMENDATIONS UNITED NATIONS MEMBER STATES

The ETHRC urges the UN Member States to:

1. Urge the Indonesian government to implement in full the 1997 Resolution of the UN Commission on Human Rights, in particular the recommendations to:
 - a) Ensure the early release of any East Timorese people detained or convicted for political reasons;
 - b) Invite the Special Rapporteur on Torture to visit East Timor; and
 - c) Provide access to East Timor for human rights organizations.
2. Invite the UN Working Group on Arbitrary Detention and the UN Working Group on Enforced and Involuntary Disappearances to visit all areas of East Timor to conduct a full investigation of the human rights situation.
3. Urge the Indonesian government to implement in full the recommendations contained in the following reports and resolutions:
 - a) the 1992 report of the UN Special Rapporteur on torture;
 - b) the 1994 report of the UN Special Rapporteur on extra-judicial, summary or arbitrary executions;
 - c) the 1992 and 1994 CHR Chair's Statements; and
 - d) the 1993 and 1997 Resolutions of the CHR.

4. Urge the Indonesian government to immediately and unconditionally release all East Timorese prisoners detained solely for peaceful activities.
5. Urge the Indonesian government to allow the UN to have a permanent presence in East Timor to enable it to conduct ongoing investigation of the human rights situation and to take steps for the promotion and protection of human rights.
6. Urge the Indonesian government to allow full and unrestricted access to all areas of East Timor for journalists and independent human rights organisations, including the East Timor Human Rights Centre.

APPENDIX A

Mahkota Hotel Demonstration (ETHRC UN Report UN 12/97)

Charged under Article 354 and 56 (KUHP)	Charged under Articles 154, 155, 216, 55.1 (KUHP)	Also detained but probably released
Olga Quintao Amaral	Luis de Fatima Pereira	Silveiro Soares
Celina Pires da Costa	Nelson Pereira	Alo Smith
Jose Gabriel Guterres	Miguel Alves	Crispin da Silva Alves
Joao Henrique (de Deus)	Carlos Gusmao	Julio Jorge
Constancio Gomes Leite	Mateus da Costa Belo	Rosito Adelaide
Jose Sarmento Boavida	Moises Feliciano Soares	Domingos da Costa
Mateus Inacio da Costa	Hermengildo da Costa	Avelino da Costa
Bendito Amaral Alves	Domingos da Costa	Domingos da Costa
Anino da Silva	Amaro Pereira	Anselmo Victao X
Augusto Raimundo Matus	Ronaldo Brasil Januario	Afonso Mendes Pereira
Domingos Sarmento	Celestino Manuel Pereira	Alberto (no surname)
Rafael de Almeida	Mariano da Silva	Marcelino Ximenes
Abel Ximenes	Alipio Soares	Adolfo Canigio
Zito Borges Bermau	Tomas Augusto Correia	Januario de Fatima
Alexio da Silva Ximenes		Amaro Duarte
Anacleto da Silva	Charged under Article 154 and Article 55.1 (KUHP)	Sebastiao Ximenes
	Marito Brafas Soares	Roberto Carlos
	Cancio A. Henrique Guterres	Tomas Augusto Correia
	Alberto da Costa	Rosito Braga
		Raul de Almeida

APPENDIX B

Mass arrest in Hato-Udo, Ainaro district

Joao (no surname), 20	Eusebio (no surname), 27	Constantina (no surname), 28
Aleixo (no surname), 19	Afonso (no surname), 20	Joaquina (no surname), 18
Martinho (no surname), 25	Bernardino Cardoso, 35	Carlito (no surname), 17
Francisico (no surname), 28	Nuno Mendonca, 30	Sarmento, 24
Vasco (no surname), 30	Gaudencio (no surname), 21	Sebastina (no surname), 20
Luis (no surname), 27	Alberto (no surname), 27	Vasco Sarmento, 24
Alfredo (no surname), 26	Anjelito Branco, 25	Bento (no surname), 28
Pedro (no surname), 24	Carlos (no surname), 18	Carlito Metan, 25
Eliseu (no surname), 22	Carvil (no surname), 16	Lufida Silva, 30
Elias (no surname), 30	Anselmo (no surname), 25	Odete (no surname), 17
Eduardo (no surname), 28	Domingas (no surname), 27	Lourenca Mendonca, 20
Adelino (no surname), 30	Lourenca (no surname), 19	Jacinta (no surname), 22
Julio/a (no surname), 18	Leonija (no surname), 24	Rosita (no surname), 18
Manuel (nosurname), 24		

APPENDIX C

Mass arrest in Viqueque (ETHRC Urgent Actions UA 7/97, UA 7/97PR)

Tomas Caiware	Paulo Alves	Mateus Soares
Francisco Ximenes	Amaro Pinto	Afonso Correia
Celestino Jerronimo	Janet Tavares	Salvador
Armando Soares	Paulo Andre	Luis Loileki
Gaspar Pinto	Anacleto Pereira	Tomas
Agostinho Orlando	Mateus Menezes	Euginio Ornai
Evangelino Menezes	Luis da Silva	Mateus
Francisco Jesus	Loerincio Pinto	Joao
Armando	Francisco Soares	Matias
Paulo	Manuel	Ananias
Paulo Soares	Idelfonso	Joao Pinto
Adelino	Abel da Costa Amaral	Ameuo
Agustinho da Silva	Gaspar	Manuel Sarmento
Gaspar	Mateus	Egido
Acacio	Moises,	Helder da Silva
Napoleon Amaral	Luis	Clementino Pereira
Luis	Francisco Rangal	Roxiano Filipe
Luis	Aleixo da Carvalho	Gil Amaral
Domingos Pinto	Joaquim	Tomas
Eduardo Amaral	Ponciano do Rosario	Hermenigildo Pereira
Alberto, 16	Paulo Amaral	Adelino
Luis Pinto, 16	Sergio	Pedro Waileki
Agostinho	Matias da Silva	Carlos Lequilo
Raimundo	Antonio	Mateus da Costa
Mau-Meta, 15	Francisco	Tomas Sawacoro
Luis Gama	Luis Neto	Egas
Paulo	Jose	

APPENDIX D**Mass Arrest in Quelicai sub-district (ETHRC Urgent Action UA 17/97 UA 17/97PR)**

Rui Ibu	Venancio Belo	Marcos Belo
Carlos Freitas	Acacio Gaio	Boaventura, 16
Chiquito Freitas	Antonio Belo	Albino Freitas
Amancio Ximenes	Casimiro	Alexandre Freitas Alves
Luis Maria Belo	Filomeno Ximenes	Joaquim Moreira
Manuel Gusmao Belo	Carlos Belo	Manuel
Cosme Belo	Julia Belo	Agostinho
Martinho Belo	Manuel Ximenes	Joana Teresa Freitas
Estanislau Freitas Ximenes	Constantino Belo	Matilde
Juliao Belo	Anacleto dos Reis	Joao da Silva
Alberto Ximenes	Mario Vaz	Francisco Herma
Francisco Marisa	Victoriano Ximenes	Urbano Freitas
Augusto Ximenes	Francisco Cabral	Carlos
Manuel Belo	Pascoal da Conceicao	Domingos
Paulito Belo, 16	Felisberta Freitas	Mateus Belo
Gaspar Belo	Cancio Ximenes	Feliciano
Joao Belo, 15	Raimundo da Conceicao	Joana
Salvador Vaz Ximenes	Marcos Ximenes	Elisita Ximenes
Mario Ximenes	Joao Bosco Ximenes	Lidio Ximenes
Justino Ximenes	Virgilio Ximenes	Jose Moreira
Fernando Ximenes	Fortunato Ximenes	Eusebio Pascoal da Conceicao
Celestino Tolentino Ximenes	Domingos Sarmento	Adelia Ximenes
Vitorino Ximenes	Duarte Freitas	Domingos Freitas
Abilio Ximenes da Silva	Alexandre	Boaventura Belo
Mario Filipe	Maria Freitas	Sidonio Belo
Dugal Ximenes	Francisco	Eusebio (no surname)
Domingos Freitas	Raimundo Xavier Sarmento	Martinho Belo
Adelio Ximenes	Joao Freitas	Faustino Belo, 17
Abilio Freitas	Domingos Freitas	Martina da Silva Belo
Joao Manuel Ximenes	Virgilio Martins	Felisberto Belo
Augusto	Natalia Belo	Julio Belo
Luis Belo	Justino Freitas	Francisco de Fatima Belo
Constantino Gaio	Filomeno Freitas	Jose Antonio Belo
		Jeronimo Sarmento